IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.Rev.Pet.No. 621 of 1998()

CRA.63/1995 of II ADDL. SESSIONS COURT, PALAKKAD
CC.384/1992 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PALAKKAD

.....

REVN. PETITIONERS/ACCUSED 2 & 7/APPELLANTS 2 & 7

---

1. VELAYUDHAN, S/O.VELLAI,
   KOTTAYI, ALATHUR.

2. RAJAN, S/O.VELLAI,
   KOTTAYI, ALATHUR.

BY ADV. SRI.P.K.ASHOKAN
SRI.RAJESH NAIR

RESPONDENT/COMPLAINANT/RESPONDENT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HGIH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR MR.P.RAVINDRA BABU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K. BALI, C.J.

Crl.R.P.No.621 of 1998

Dated, this the 22nd day of November, 2006

ORDER

V.K.Bali,C.J.(Oral)

Petitioners were tried with their co-accused for offences under Sections 143, 147, 148, 447, 323, 324 read with Section 149 of the Indian Penal Code and sentenced to undergo simple imprisonment for three months each under Sections 147 and 447 IPC and simple imprisonment for six months under Section 324 IPC. Accused Nos. 1 and 2 were further sentenced to undergo simple imprisonment for six months under Section 148 IPC. The above sentences were ordered to run concurrently vide order dated 31st March, 1995 passed by the Judicial First Class Magistrate-I, Palakkad. In the appeal preferred against the order aforesaid, whereas A3 to A6 were acquitted, A1, A2 and A7 were sentenced to undergo simple imprisonment for three months each under Section 447 IPC and pay a fine of Rs.500/- each and in default of payment of fine to undergo simple imprisonment for three weeks under Section 323 IPC. It is against this order that

the present revision has been filed by the petitioners.

2. The learned counsel appearing for the petitioners without joining issues on the merits of the case contends that the occurrence pertains to the year 1992 and in the manner aforesaid they have already undergone protracted trial spanned over a period of more than 14 years and that they may not be sent to serve a jail term at this stage.

3. In totality of the facts and circumstances of the case this Court is of the view that interests of justice will be served if while maintaining the order of conviction the petitioners are rather asked to pay a fine of Rs.one thousand each instead of undergoing the jail term. Ordered accordingly. If the fine as mentioned above is not paid the petitioners would undergo the jail term as imposed by the lower appellate court.

Revision petition is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

vns